

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

GEORGE ANIBOWEI,

Plaintiff,

v.

KIRSTJEN M. NIELSEN, U.S. Secretary of Homeland Security, in her official capacity; KEVIN K. MCALEENAN, Commissioner of U.S. Customs and Border Protection, in his official capacity; RONALD D. VITIELLO, Acting Director of U.S. Immigration and Customs Enforcement, in his official capacity; DAVID P. PEKOSKE, Administrator of the Transportation Security Administration, in his official capacity; WILLIAM P. BARR, Attorney General of the United States, in his official capacity; U.S. DEPARTMENT OF HOMELAND SECURITY; U.S. CUSTOMS AND BORDER PROTECTION; U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT; TRANSPORTATION SECURITY ADMINISTRATION,

Defendants.

Case No. 3:16-cv-03495-D

**[PROPOSED] ORDER GRANTING
PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT**

This matter comes before the Court on Plaintiff's Motion for Partial Summary Judgment or, in the Alternative, for a Preliminary Injunction. Having reviewed the papers filed in support of and in opposition to this motion and, pursuant to Federal Rule of Civil Procedure 56, it is hereby

ORDERED that summary judgment for Plaintiff George Anibowei on Counts I through VI of the Verified Second Amended Complaint is GRANTED. It is further

DECLARED that Defendants' policies and practices violate the First and Fourth Amendments by authorizing searches of travelers' electronic devices and communications absent

a warrant supported by probable cause that the devices contain contraband or evidence of a violation of criminal, immigration, or customs laws, and without particularly describing the information to be searched. It is further

ORDERED that Defendants must expunge all information gathered from, or copies made of, the contents of Plaintiff's electronic devices, and must certify the expungement by notice to the Court. It is further

ORDERED that, pursuant to the Administrative Procedure Act, 5 U.S.C. § 706, the Agency Policies described in the Verified Second Amended Complaint are VACATED. Finally, it is

ORDERED that Defendants are RESTRAINED AND ENJOINED from enforcing the Agency Policies described in the Verified Second Amended Complaint.

SO ORDERED.

DATED this _____ day of _____, 2019

Hon. Sidney A. Fitzwater
United States District Judge